

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

Advanced Concrete Tools, Inc.,

Plaintiff,

Civil Action No. 3:10CV1139

vs.

Judge Haynes

Herman W. Beach and  
Manown Engineering Co., Inc.,

Defendants.

**MOTION TO SET DEADLINE AND HEARING**

COMES the Plaintiff, Advanced Concrete Tools, Inc., by and through counsel, and moves that a deadline and hearing be set in this cause consistent with the Court of Appeals ruling. In support of this Motion, it would be shown that the Court of Appeals remanded this action to the Trial Court on the issue of Defendants' liability "so that Beach may submit his evidence and the district court can consider all relevant evidence before ruling." Court of Appeals Opinion at p. 7. As a basis for his appeal, Defendant Beach had argued that he was not afforded adequate notice before this Trial Court's ruling on Summary Judgment. By setting a specific number of days for which Defendants may file any basis for defense to liability, Defendants would be allowed adequate notice and opportunity to file any data which Defendants believe the Trial Court should consider.

*ORDER*  
*This motion is*  
*GRANTED. The Defendants*  
*have 20 days to submit*  
*any evidence*  
*in opposition*  
*to*  
*Plaintiff's*  
*motion*  
*for*  
*Summary*  
*Judgment*  
*5-6-13*